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*Withdrawing Attorney for Plaintiff*

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*Incoming Attorney for Plaintiff*

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

AF HOLDINGS LLC,

Plaintiff,

v.

GAUTAM NYAYAPATHI,

Defendant.

**No. 5:12-cv-04446-EJD**

**MOTION FOR WITHDRAWAL AND  
SUBSTITUTION OF COUNSEL**

**MOTION FOR WITHDRAWAL AND SUBSTITUTION OF COUNSEL**

Brett L. Gibbs, counsel for Plaintiff AF Holdings LLC ("Plaintiff"), hereby moves the Court pursuant to Northern District of California Local Rule ("L.R.") 11-5, for an order permitting him to withdraw as counsel of record for Plaintiff in this action. Concurrently, attorney Paul Duffy hereby moves the Court for permission to be substituted in place of Brett L. Gibbs as attorney for Plaintiff.

As grounds for this Motion:

1. Brett L. Gibbs has been counsel for Plaintiff since the commencement of the action.
2. Brett L. Gibbs wishes to withdraw as counsel for Plaintiff.

3. Brett L. Gibbs has provided written notice of his withdrawal to Plaintiff, pursuant to L.R. 11-5. The client understands and accepts the withdrawal of Brett L. Gibbs.

4. Brett L. Gibbs has provided written notice of his withdrawal to all other parties who have appeared in this case, and there were no objections.

5. Paul Duffy is licensed to practice in the Northern District of California, and requests that he be designated Counsel of Record on behalf of Plaintiff.

6. Brett L. Gibbs, Paul Duffy, and Plaintiff are all in agreement that this withdrawal and substitution are necessary to allow this case to proceed.

WHEREFORE, the Court should grant Brett L. Gibbs' and Paul Duffy's Motion for Withdrawal and Substitution of Counsel.

**DATED: January 29, 2013.**

Respectfully Submitted,

Respectfully Submitted,

By: /s/ Brett L. Gibbs, Esq.

By: /s/ Paul Duffy

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### *Withdrawing Attorney for Plaintiff*

*Incoming Attorney for Plaintiff*

**CERTIFICATE OF SERVICE**

The undersigned hereby certify that on January 29, 2013, all individuals of record who are deemed to have consented to electronic service are being served a true and correct copy of the foregoing document, and all attachments and related documents, using the Court's ECF system.

/s/ Brett L. Gibbs  
Brett L. Gibbs, Esq.

/s/ Paul Duffy  
Paul Duffy